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FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER COLIN, CARL G	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/681,496

Applicant(s)

SHARMA ET AL.

Examiner

Carl Colin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Response to Arguments

1. In communications filed on 10/5/2007, Applicant amends claims 1-3, 10-14, 16, 19-20, 30-31 and 38. The following claims 1-33 and 36-38 are presented for examination.

1.1 In response to communications filed on 10/5/2007, the 101 rejection of claims 1-37 have been withdrawn with respect to the amendment. However, claim 38 has still not overcome the non-statutory subject matter and therefore remains rejected under 101.

1.2 Applicant's arguments, pages 8-10, filed on 10/5/2007 have been fully considered but they are not persuasive. With regard to the prior art rejection of claim 1, Applicant states "the Sweat permission table does not in any way indicate what modifications a user may make. Instead the Sweat permission table specifies which users are permitted to perform specific actions". Examiner respectfully disagrees as Sweat discloses information indicating the changes (editing) a user may make (i.e. "a user permission level and a selected item determine what options are available when a user clicks the right mouse") (see column 5, lines 24-28 and fig. 5 (edit lock status , permission lock status)); column 6, lines 35-40) further discloses "The toolbar options/buttons are available depending on the type of file selected and the user's assigned permission level. An option that is not available is dimmed and cannot be selected/clicked by the user." Therefore, Sweat clearly discloses rules (access permissions) defining modifications to a structure of a hierarchy a user is permitted to make to the data. Applicant's arguments that

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Beizer does not remedy deficiencies of Sweat with respect to claim 1 are not persuasive because the limitation of rules defining modifications to a structure of a hierarchy a user is permitted to make to the data is disclosed in Sweat as shown above. Regarding claims 3 and 4, applicant argues that Beizer discloses "comparing updated value of a data element with a saved value of the same data element and Beizer discloses possible conflicts when the updated value of a data element is different than the saved value of the same data element" to contrast Beizer disclosure of the claim limitation comparing first data element to a second data element wherein a possible conflict comprises the first data element being identical to a second data element. Examiner respectfully disagrees with Applicant's interpretation as the claims merely require comparing two data elements and a possible conflict comprises the data elements to be identical, which is disclosed in Beizer. Examiner asserts that Beizer discloses comparing which data elements (data fields) are being changed by user 1 and user 2 and detecting a conflict if both users alter the same data element. Column 6, lines 23-30 states,

"Because neither user changed the same objects in the WorkFolder, the changes do not conflict with each other.

Therefore, the changed and added data can be merged into the master WorkFolder. If both users change the same data field, i.e., user 1 changes the status field to "complete" while user 2 changes it to "on hold", and then both try to save the updated workfolder to the network storage area, the reconciliation logic detects the conflict".

Therefore, applicant has not overcome the rejection of claims 3 and 4. Upon further consideration, the rejection of claims 1-33 and 36-38 is set forth below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 38 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 38 recites an article comprising a machine readable medium storing instructions operable to cause one or more machines to perform operations comprising... Claim 38, claiming a machine-readable medium, does not appear to fall within a statutory category. In view of Applicant's disclosure, page 25, lines 19-23, a medium may be interpreted as an information carrier or more specifically a propagated signal. Taking the broadest interpretation, the medium as disclosed in the specification fails to be limited to a manufacture that is directed to a statutory subject matter. It would appear to be reasonable to interpret the machine-readable medium as a carrier medium such as a propagated signal and therefore, claim 38 is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7-8, 15-17, 20, 21, 23-33, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7,062,532 to **Sweat et al.**

As per claim 1, Sweat et al discloses a method for causing a physical modification to a machine-readable medium having encoded thereon data representative of a hierarchy, the method comprising: *making a Web page available for access by a user* (see column 3, line 65 through column 4, line 11), *the Web page including (i) data representing a hierarchy* (see column 4, line 55 through column 5, line 1 and figures 2 and 5) and **Sweat et al** discloses the web page including access permission (rules) defining information indicating the changes (editing) a user may make in the hierarchical tree view (i.e. "a user permission level and a selected item determine what options are available when a user clicks the right mouse") (see column 5, lines 14-28 and fig. 5 (edit lock status , permission lock status)); column 6, lines 35-40) and further discloses "The toolbar options/buttons are available depending on the type of file selected and the user's assigned permission level. An option that is not available is dimmed and cannot be selected/clicked by the user." that meets the recitation of *and (ii) rules (access permissions) defining those modifications to a structure of the hierarchy that any user is permitted to make to the data* (see figures 5-7 and tables defining user's permission that may be available depending

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on user's assigned permission level in columns 5-6); **Sweat et al** discloses receiving instructions from user to lock/unlock files or folders and delete locked files/folders (see column 15, lines 16-47) that meets the recitation of *receiving from the user instructions to modify the structure of the hierarchy in real-time*; **Sweat et al** discloses, for instance, verifying if user has access or edit permission to lock files or folders and/or permission to delete locked files/folders, and file or folders can be locked and/or deleted respectively based on the rules (see column 15, lines 16-47) that meets the recitation of *verifying that a proposed modification to the data complies with the rules and causing the physical modification of the machine-readable medium the physical modification resulting in the representation of the hierarchy* (see also column 6, lines 35-40 column 11, lines 35-61).

As per claim 2, **Sweat et al** discloses the claimed method of claim 1 *wherein further comprising performing local rule enforcement at a client* (see column 17, lines 15-20 and column 4, lines 2-19).

As per claim 7, **Sweat et al** discloses the limitation of *further comprising monitoring the real-time modification to the data* (see column 1, lines 57-63).

As per claim 8, **Sweat et al** discloses the limitation of *further comprising generating an audit report including information corresponding to the real-time modification* (see column 20, lines 47-56).

As per claim 15, Sweat et al discloses when a user clicks the + sign in the tree the subfolders are shown representing different subfolders (sets of data) from the parent folder that meets the recitation of *wherein the data representing the hierarchy is a first set of data representing a first hierarchy, the method further comprising making available a second set of data representing a second hierarchy* (see for example column 5, lines 19-21 and figures 5 and 10).

As per claim 16, Sweat et al discloses enabling users to add and drag and drop objects from one group to another that meets the recitation of *receiving from the user instructions to move a portion of the second set of data to the first set of data* (see column 4, lines 21-30 and column 5, lines 6-23). See also column 17, lines 10-16.

As per claim 17, Sweat et al discloses the limitation of *preventing a modification to the moved portion of the second set of data* (see column 17, lines 15-19).

As per claim 20, Sweat et al discloses the limitation of *receiving from the user instructions to establish an arrangement of a portion of the hierarchy* (see column 16, lines 49-54).

As per claim 21, Sweat et al discloses the limitation of *storing the arrangement of a portion of the hierarchy* (see column 17, lines 5-8 and 15-19).

As per claim 23, Sweat et al discloses the limitation of *wherein one of the rules comprises preventing the modification if the user does not have permission to make the modification* (see column 17, lines 8-9).

As per claim 24, Sweat et al discloses the limitation of *establishing permission using an ownership attribute* (see column 21, lines 47-60).

As per claim 25, Sweat et al discloses generating activity log on user activities and projects on the site that meets the recitation of *generating a report based on transactional data and the data representing the hierarchy* (see column 20, lines 31-51).

As per claim 26, Sweat et al discloses *wherein generating further comprises making some portions of the transactional data viewable and other portions of the transactional data summarized based on the data representing the hierarchy* (see column 14, lines 56-67).

As per claim 27, Sweat et al discloses *enabling the user to modify the data representing the hierarchy to indicate viewable and non-viewable portions* (see column 14, lines 56-67).

As per claim 28, Sweat et al discloses *notifying a subscriber of the modification* (see column 12, lines 15-17).

As per claim 29, Sweat et al discloses *wherein the hierarchy comprises a node tree* (see column 4, lines 61-66).

As per claim 30, Sweat et al discloses a method for causing a physical modification to a machine-readable medium having encoded thereon data representative of a hierarchy, the method comprising: *making a Web page available for access by a user* (see column 3, line 65 through column 4, line 11), *the Web page including (i) data representing a hierarchy* (see column 4, line 55 through column 5, line 1 and figures 2 and 5) and **Sweat et al** discloses the web page including access permission (rules) defining information indicating the changes (editing) a user may make in the hierarchical tree view (i.e. "a user permission level and a selected item determine what options are available when a user clicks the right mouse") (see column 5, lines 14-28 and fig. 5 (edit lock status , permission lock status)); column 6, lines 35-40) and further discloses "The toolbar options/buttons are available depending on the type of file selected and the user's assigned permission level. An option that is not available is dimmed and cannot be selected/clicked by the user" that meets the recitation of *and (ii) rules* (access permissions) *defining those modifications to a structure of the hierarchy that any user is permitted to make to the data* (see figures 5-7 and tables defining user's permission that may be available depending on user's assigned permission level in columns 5-6); **Sweat et al** discloses receiving instructions from user to lock/unlock files or folders and delete locked files/folders (see column 15, lines 16-47) that meets the recitation of *receiving from the user instructions to modify the structure of the hierarchy in real-time*; **Sweat et al** discloses, for instance, verifying if user has access or edit permission to lock files or folders and/or permission to delete locked files/folders, and file or

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folders can be locked and/or deleted respectively based on the rules (see column 15, lines 16-47) that meets the recitation of *receiving from the user instructions to modify the structure of the hierarchy based on real-time enforcement of the rules and causing the physical modification of the machine-readable medium the physical modification resulting in the representation of the hierarchy* (see also column 6, lines 35-40 column 11, lines 35-61).

As per claim 31, **Sweat et al** discloses a system comprising a computing device that provides to a user a Web page (see column 3, line 65 through column 4, line 11), including (i) data representing a hierarchy (see column 4, line 55 through column 5, line 1 and figures 2 and 5) and **Sweat et al** discloses the web page including access permission (rules) defining information indicating the changes (editing) a user may make in the hierarchical tree view (i.e. "a user permission level and a selected item determine what options are available when a user clicks the right mouse") (see column 5, lines 14-28 and fig. 5 (edit lock status , permission lock status)); column 6, lines 35-40) and further discloses "The toolbar options/buttons are available depending on the type of file selected and the user's assigned permission level. An option that is not available is dimmed and cannot be selected/clicked by the user" that meets the recitation of (ii) *rules (access permissions) defining those modifications to a structure of the hierarchy that any user is permitted to make to the data* (see figures 6-7 and tables defining user's permission that may be available in columns 5-6) and (see column 12, lines 52-61 for real-time modification); and further discloses client computers and server computers comprising storage medium for storing changes made by users (see column 3, lines 1-35 and column 9, lines 6-35)

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that meets the recitation of *a machine-readable storage medium for storing data modified by the user.*

As per claim 32, Sweat et al discloses *a client including the computing device* (see column 3, lines 12-15).

As per claim 33, Sweat et al discloses *a rule enforcement module* (application interface column 4, lines 8-11) *that enables a user to make a real-time modification to the data based on the rules* (see figures 6-7 and tables defining user's permission that may be available in columns 5-6 and column 12, lines 52-61).

As per claim 36, Sweat et al discloses *the system of claim 31 further comprising a database including the data representing the hierarchy* (see column 3, lines 18-35 and figure 1).

As per claim 37, Sweat et al discloses *the system of claim 31 further comprising a network wherein the Web page is transmitted using the network* (see column 3, line 65 through column 4, line 11 and figure 1).

As per claim 38, Sweat et al discloses an article comprising a machine-readable medium storing instructions operable to cause one or more machines to perform operations comprising: *making a Web page available for access by a user* (see column 3, line 65 through column 4, line 11), *the Web page including (i) data representing a hierarchy* (see column 4, line 55 through

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column 5, line 1 and figures 2 and 5) and **Sweat et al** discloses the web page including access permission (rules) defining information indicating the changes (editing) a user may make in the hierarchical tree view (i.e. "a user permission level and a selected item determine what options are available when a user clicks the right mouse") (see column 5, lines 14-28 and fig. 5 (edit lock status , permission lock status)); column 6, lines 35-40) and further discloses "The toolbar options/buttons are available depending on the type of file selected and the user's assigned permission level. An option that is not available is dimmed and cannot be selected/clicked by the user" that meets the recitation of *and (ii) rules (access permissions) defining those modifications to a structure of the hierarchy that any user is permitted to make to the data* (see figures 5-7 and tables defining user's permission that may be available depending on user's assigned permission level in columns 5-6); **Sweat et al** discloses receiving instructions from user to lock/unlock files or folders and delete locked files/folders (see column 15, lines 16-47) that meets the recitation of *receiving from the user instructions to modify the structure of the hierarchy in real-time*; **Sweat et al** discloses, for instance, verifying if user has access or edit permission to lock files or folders and/or permission to delete locked files/folders, and file or folders can be locked and/or deleted respectively based on the rules (see column 15, lines 16-47) that meets the recitation of *verifying that a proposed modification to the data complies with the rules and causing the physical modification of the machine-readable medium the physical modification resulting in the representation of the hierarchy* (see also column 6, lines 35-40 column 11, lines 35-61).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 and 9-14, 18-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,062,532 to **Sweat et al** in view of US Patent 6,240,414 to **Beizer et al**.

As per claim 3, **Sweat et al** substantially discloses the claimed method of claim 1 but is silent about identifying conflict. **Beizer et al** in an analogous art teaches a method and system for automatically identifying and resolving data conflicts in a shared environment (see abstract) and discloses *comparing a first data element (data field) of a first member of the hierarchy with a second data element (data field) of a second member in the hierarchy to identify a possible conflict between the first data element and the second data element* (see column 6, line 61 through column 7, line 4). **Beizer et al** discloses that contrarily to prior art, the invention provides an improved data environment that allow multiple users to simultaneously access and edit the same shared data object, and also discloses rather than using locking or replication to

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avoid conflict the invention provides a method and system to analyze changes made by several users to a data object and dynamically detect, mediate, and resolve potential conflicts (see column 2, lines 18-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Sweat et al** to identify and resolve conflict as suggested by **Beizer et al**. One of ordinary skill in the art would have recognize some of the advantages suggested by **Beizer et al** such as allowing multiple users to simultaneously access and edit the same shared data object and dynamically detect, mediate, and resolve potential conflicts according to predefined set of rules (see column 2, lines 53-61).

As per claim 4, the references as combined above disclose the claimed method of claim 3. **Beizer et al** further discloses if both users change the same data field, the reconciliation logic detects a possible conflict (see **Beizer et al**, column 6, lines 25-32) that meets the recitation of *wherein the possible conflict comprises the first data element being identical to the second data element*. Claim 4 is therefore rejected on the same rationale as the rejection of claim 3 above.

As per claim 5, the references as combined above disclose the claimed method of claim 3 *wherein the first and second data elements comprise an identifier* (see **Beizer et al**, column 6, lines 35-39 and figure 3B). Claim 5 is therefore rejected on the same rationale as the rejection of claim 3 above.

As per claim 6, the references as combined above disclose the claimed method of claim 5 *wherein the identifier comprises at least one of a member code and a member description* (i.e.

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the values in the field) (see **Beizer et al**, see figure 3B). Claim 6 is therefore rejected on the same rationale as the rejection of claim 3 above.

As per claim 9, Beizer et al discloses the limitation of *further comprising monitoring other modifications occurring at other Web pages* (see column 5, lines 9-27). Claim 9 is therefore rejected on the same rationale as the rejection of claim 3 above.

As per claim 10, the references as combined above disclose the claimed method of claim 9, **Sweat et al** further discloses *further comprises performing an application server rule enforcement* (see column 11, lines 35-61).

As per claim 11, Beizer et al discloses determining a conflict with change made by user 2 and preventing the real-time modification of user 2 from overriding data entered by user 1 that meets the limitation of *comprising determining the real-time modification conflicts with the other modifications occurring at the other Web pages and preventing the real-time modification* (see column 7, lines 1-10). Claim 11 is therefore rejected on the same rationale as the rejection of claim 3 above.

As per claims 12-13, Beizer et al discloses *comprising performing a master data rule enforcement* (see column 5, lines 8-13), *wherein performing a master data rule enforcement comprises determining that the real-time modification conflicts with an entry in stored master*

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data and preventing the real-time modification (see column 5, lines 45-60 and column 6, lines 30-35).

Beizer et al discloses when conflict is detected based on the changes between two users, the changes are prevented until a conflict resolution routine resolves the conflict and in one embodiment priority rules may prevent a user to override a change made by a first user (see column 7, lines 1-10). Claims 12-13 are also rejected on the same rationale as the rejection of claim 3 above.

As per claim 14, Beizer et al discloses *determining absence of a conflict and storing the modification* (see column 6, lines 4-14). Claim 14 is therefore rejected on the same rationale as the rejection of claim 3 above.

As per claims 18-19, Beizer et al discloses two WorkFolders representing first and second hierarchy, *maintaining an original hierarchical relationship of the moved portion of the second set of data in the first hierarchy* and further discloses if changes are made to the second hierarchy check for conflict and update the moved WorkFolder (see column 6, line 57 through column 6, line 16) that meets the recitation of *automatically updating the moved portion of the second set of data in the first hierarchy in response to detecting a change to a portion of the second set of data in the second hierarchy corresponding to the moved portion of the second set of data in the first hierarchy*. Claim 18 is therefore rejected on the same rationale as the rejection of claim 3 above.

As per claim 22, Beizer et al discloses *wherein one of the rules comprises a conflict check* (see abstract). Claim 22 is therefore rejected on the same rationale as the rejection of claim 3 above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses real-time modification of hierarchical data of a Web page based on a set of rules. See PTO-892 form.

5.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/

Carl Colin

Patent Examiner, 2136

December 18, 2007